

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

SAINT TORRANCE,	:	
	:	
Plaintiff(s),	:	
	:	Case Number: 1:08cv74
vs.	:	
	:	Chief Judge Susan J. Dlott
DECISION ONE MORTGAGE COMPANY,	:	
LLC, et. al.,	:	
	:	
Defendant(s).	:	

ORDER

This matter is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Timothy S. Black. Pursuant to such reference, the Magistrate Judge reviewed the pleadings and filed with this Court on November 10, 2008 Report and Recommendation (Doc. 35). Subsequently, the plaintiff filed objections to such Report and Recommendation (Doc. 37), defendant Saxon Mortgage Company Services, Inc. filed a response to the objections (Doc. 38), plaintiff filed an additional objection (Doc. 39), defendant Decision One Mortgage Company, LLC filed a response to the objections (Doc. 40) and plaintiff filed a reply to the response (Doc. 41).

The Court has reviewed the comprehensive findings of the Magistrate Judge and considered de novo all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Recommendations should be adopted.

Accordingly, for the foregoing reasons, the undersigned concludes that plaintiff's complaint fails to state a claim upon which relief can be granted. **IT IS THEREFORE**

**ORDERED** that defendants' motion to dismiss (Docs. 9, 25, 27) is **GRANTED**; and all pending motions are **DENIED AS MOOT**.

Moreover, although defendant Brookline Home Loans has not sought dismissal of the complaint, it is manifest that plaintiff's claims against it must fail for the same reasons that plaintiff cannot succeed against defendants Decision One, Franklin, and Saxon. Under these circumstances, "[a] District Court may properly on its own motion dismiss an action as to defendants who have not moved to dismiss where such defendants are in a position similar to that of the moving defendants." *Silverton v. Department of the Treasury*, 644 F.2d 1341, 1345 (9<sup>th</sup> Cir. 1981); *see also Muhammad v. State of Louisiana*, 2000 WL 1511181, at \*4, 6 (E.D. La. Oct. 6, 2000); *Leshner v. Lavrich*, 632 F.Supp. 77, 84 (N.D. Ohio 1984) (citing *Silverton*).

Thus, it is further **ORDERED** that plaintiff's claims against all defendants be **DISMISSED**, and that this case is **TERMINATED**.

IT IS SO ORDERED.

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s/Susan J. Dlott  
Chief Judge Susan J. Dlott  
United States District Court